

(7) Federal Register Notice of Final Determination

- November 4, 1982

Final Determination That the Munsee-Thames River Delaware Indian Nation Does Not Exist as an Indian Tribe

September 22, 1982.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM-8.

Pursuant to 25 CFR 83.9(h) (formerly 54.9(h)) notice is hereby given that the Assistant Secretary has determined that the Munsee-Thames River Delaware Indian Nation does not exist as an Indian tribe within the meaning of

Federal law. This notice is based on a determination, following a review of public comment on the proposed findings, that the group does not meet four of the criteria set forth in 25 CFR 83.7 and, therefore, does not meet the requirements necessary for a government-to-government relationship with the United States.

Notice of the proposed findings to decline to acknowledge the group was published on page 51852 of the Federal Register on October 21, 1981. Interested parties were given 120 days in which to submit factual or legal arguments to rebut evidence used to support the findings that the Munsee-Thames River Delaware do not exist as an Indian tribe. There were no rebuttals submitted pursuant to 25 CFR 83.9(g) to challenge the proposed findings. The Lieutenant Governor of the State of Colorado wrote a letter to the Assistant Secretary—Indian Affairs supporting the findings.

In accordance with § 83.9(j) of the Acknowledgment regulations, an analysis was made to determine what, if any, options other than acknowledgement are available under which the Munsee-Thames River Delaware Indian Nation could make application as a tribe for services and other benefits available to recognized Indian tribes. No alternatives could be found due to the group's doubtful Indian ancestry, lack of social and political organization, and inability to establish any historical connection with the Delaware tribe. This conclusion is based on independent research conducted by the acknowledgment staff and on the factual arguments and evidence presented in the Munsee-Thames River Delaware petition.

Requests for copies of the proposed findings published earlier should be addressed to the Office of the Assistant Secretary—Indian Affairs, Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20245, Attention: Branch of Federal Acknowledgment.

This determination is final and will become effective 60 days from the date of publication, unless the Secretary of the Interior requests the determination be reconsidered pursuant to 25 CFR 83.10(a-c).

Kenneth Smith,

Assistant Secretary—Indian Affairs.

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